

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PLANO SYMPHONY ORCHESTRA
Employer

and

Cases 16-RC-10844

DALLAS/FORTH WORTH PROFESSIONAL
MUSICIANS ASSOCIATION, LOCAL 72-147
Petitioner

ORDER

On August 7, 2008, the two sitting members of the Board issued an Order granting review in part and denying review in part this proceeding. On June 17, 2010, the United States Supreme Court issued its decision in *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635, holding that under Section 3(b) of the Act, in order to exercise the delegated authority of the Board, a delegatee group of at least three members must be maintained. The Board has carefully considered the Employer's June 13, 2008, Request for Review of the Regional Director's Decision and Direction of Election, and finds it raises substantial issues warranting review solely with respect to the status of the musicians. Accordingly, we affirm the decision to grant the earlier Request for Review, and affirm the decision to deny the Request for Review in all other respects.

WILMA B. LIEBMAN, CHAIRMAN

PETER C. SCHAUMBER, MEMBER

MARK GASTON PEARCE, MEMBER

Dated, Washington, D.C., August 27, 2010